CMP No. 3534 of 2018
in FAO No. 412 of 2002

8.5.2018 Present: Mr. P.S. Chandel, Advocate, for the appellant/applicant.

By way of instant application, prayer has been made on behalf of applicant-appellant for refund of amount lying deposited with the Registry of this Court. Averments contained in the application suggest that the applicant-appellant, while filing FAO No. 412 of 2012, laying therein challenge to award passed by Motor Accident Claims Tribunal below, had deposited an amount of ₹2,95,688/- alongwith statutory amount of ₹ 25,000/-.

Mr. P.S. Chandel, Advocate states that the appeal having been filed by the appellant-Insurance Company was allowed and matter was remanded back to the learned Tribunal below for adjudication afresh. He further states that pursuant to remand order passed by this Court, learned Tribunal below decided the claim petition afresh and has held the owner i.e. respondent No. 1 liable to pay compensation to the claimants No.2 and 3. Mr. Chandel further states that as per instructions imparted to him, no appeal whatsoever has been filed against the award passed by the learned Tribunal below.

Having carefully perused the averments contained in the application, this Court sees no impediment in accepting the prayer made in the instant application because admittedly the appeal in which amount was deposited, was allowed by this court vide judgment dated 5.12.2005 and as such, amount, if any, deposited at the time of filing appeal and subsequently in

terms of the order passed by this Court, deserves to be released in favour of appellant-Insurance Company.

Accordingly, present application is allowed. Registry is directed to release and remit the amount deposited by the appellant-Insurance Company alongwith upto-date interest into the bank account of the applicant as mentioned in para-6 of the application, subject to verification by the Accounts Branch of this Registry. Application is disposed of.

(Sandeep Sharma)
Judge

May 8, 2018
(vikrant)